

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TONY A. WHITE, #2112366

v.

DIRECTOR, TDCJ-CID

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Case No. 6:19-cv-141

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Petitioner Tony A. White, proceeding *pro se* and *in forma pauperis*, filed this petition for writ of habeas corpus under 28 U.S.C. § 2254 alleging the illegality of his Smith County conviction. The cause of action was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On January 23, 2020, Judge Love issued a Report (Docket No. 18), recommending that White's motion for a stay (Docket No. 8) be denied and that Petitioner's federal habeas petition be denied. Judge Love also recommended that Petitioner White be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. The docket reflects that Petitioner received a copy of the Report on January 29, 2020. However, to date, no objections to the Report have been filed.

Because objections to Judge Love's Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and

adopted by the district court. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge (Docket No. 18) is **ADOPTED** as the opinion of the Court. Further, it is


ORDERED that Petitioner's motion for a stay/abeyance (Docket No. 8) is **DENIED**.

Petitioner's federal petition for a writ of habeas corpus is **DENIED**. Moreover, it is

ORDERED that Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **25th** day of **February, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE